

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Johan Söderdahl

Application No.: 10/717,916

Confirmation No.: 7571

Filed: November 21, 2003

Art Unit: 3683

For: GAS-FILLED SPRING FOR A VEHICLE,
SUCH AS A MOTOR CYCLE, AND VALVE
FOR SUCH A GAS-FILLED SPRING

Examiner: R. Siconolfi

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner hereby petitions the Commissioner to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned on March 7, 2006 for failure to timely file a response to the final Office Action having a mailing date of December 6, 2005. Applicant was unaware of the mailing of the final Office Action and therefore mistakenly assumed that the abandonment was based on failure of the Office to receive applicant's response to the non-final Office Action mailed on March 9, 2005. Therefore, Applicant filed a petition to revive the application under 37 CFR 1.137(b) on July 28, 2006, and submitted evidence of Applicant's July 11, 2005 response to the non-final Office Action. The Office subsequently mailed a paper dismissing the petition because the petition failed to address the final Office

Action of December 6, 2005. A copy of the final Office Action was enclosed with the dismissal of applicant's petition.

Applicant submits that the final Office Action of December 6, 2005 was not received by applicant's attorney. Applicant's attorney has an established procedure for docketing incoming Office communications. A search of the file jacket and the docket records indicates that the final Office Action of December 6, 2005 was not received by applicant's attorney. A copy of the docket record where the final Office Action would have been entered had it been received is attached hereto. Applicant notes that, due to a change in the client associated with this application, the attorney docket number was changed during prosecution from "20260-00079-US" to "22362-00008-US." All records for the previous docket number were transferred to the new docket number, and application serial number tracking and docket cross-referencing allows all incoming Office correspondence regarding this application to be matched to the new docket number. Page 3 of the docket record has been marked up to show docket entries for the non-final Office Action of March 9, 2005 indicated by "Δ" and to show the time frame within which entries for the final Office Action of December 6, 2005 would have appeared indicated by "*".

As applicant believes that non-receipt of the final Office Action of December 6, 2005 has been satisfactorily established herein, withdrawal of the holding of abandonment is respectfully requested. Applicant includes herewith a Request for Continued Examination accompanied by a response to the final Office Action.

In the event that the above is deemed insufficient to warrant withdrawal of the holding of abandonment, Applicant requests that this petition be considered a petition to revive the application under 37 CFR 1.137(a) based on an unavoidable delay in responding to the final Office Action.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0185, under Order No. 22362-00008-US. A duplicate copy of this paper is enclosed.

Dated: December 27, 2006

Respectfully submitted,

By /Brian J. Hairston/
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